1946 **File No.** Greater Bom II/46

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Legal Department

B **BRANCH**

Subject:— Rules and Notifications under Greater Bombay Laws and the Bombay High Court (Declaration of limits) Act, 1945.

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File No. Greater Bom II/46

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Office of the R.L.A.

As stated in R.L.A's opinion No. 2252, dated the 23rd March 1946, it is open to the competent authority to direct under sub-section (2) of section 4 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, that the Rules for Licensing and Controlling Theatres and Other Places of Public Amusemnt under the Bombay District Police Act, 1890, shall apply to or be in force in the areas specified in Part II of Schedule A to that Act. Since no such direction has been issued, the Rules for Places of Public Amusement in the City of Bombay, 1914, have come into force in those areas. Those Rules are made under section 22 of the City of Bombay Police Act, 1902. The authority competent to make rules under section 22 is the Commissioner of Police and consequently the authority competent to direct under sub-section (2) of section 4 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, will be the Commissioner of Police. Although the Rules for Places of Public Amusement in the City of Bombay, 1914, have come into force in the areas in question and the Rules for Licensing and Controlling Theatres and other Places of Public Amusement made under the District Police Act, 1890, have ceased to be in force in those area, it will be competent to the Commissioner of Police under section 3(2) of the Greater Bomba Laws Act to cancel the first mentioned Rules in so far as they apply to the aforesaid areas, and to issue a direction under sectin 4 of the Act applying the Rules under the District Police Act to thos areas. The latter Rules will, however, require adaptation. For instance, rule 3(2) of the Model Rules under section 39A of the District Police Act refers to the District Magistrate. But since there is no District Magistrate for the areas in question, the rule will have to be suitably modified. Since the Rules made under the District Police Act cannot be applied as they are to the areas in question, it will be necessary for the Commissioner of Plice to make fresh rules for those areas under the relevant section of the Bombay District Police Act, 1890, read with section 4(2) of...

of the Greater Bombay Laws Act. The Home Department is, therefore, requested to examine the Rules made by the District Magistrate under section 39A of the District Police Act, and ask the Commissioner of Police to issue them afresh with suitable modifications for the areas in question. A model draft of the notification under which the said Rules should be issued is sent herewith.

Sd/- P.N.Moos
17/8 /46

O.C.

Remembrancer of Legal Affairs.

U.R. to h.D. No. 5740, dated the 19th August 1946.

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